

REMARKS/ARGUMENTS

Claims 1 and 3-20 are currently pending in the present application. No amendments have been made with the filing of this Response. Reconsideration is requested in view of the following remarks.

Claims 1 and 3-20 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1-19 of U.S. Patent No. 7,323,598 and claims 1-20 of U.S. Patent No. 7,368,610. To obviate the rejection, Applicant has submitted herewith a Terminal Disclaimer over U.S. Patent No. 7,323,598 and U.S. Patent No. 7,368,610, both assigned to BASF Aktiengesellschaft (BASF SE). Accordingly, withdrawal of the rejection is requested.

The filing of the Terminal Disclaimer is not to be construed as an admission, estoppel or acquiescence. See *Quad Environmental Technology v. Union Sanitary District*, 20 USPQ2d 1392 (Fed. Cir. 1991) and *Ortho Pharmaceuticals Corp. v. Smith*, 22 USPQ2d 1119 (Fed. Cir. 1992).

In view of the above amendments and disclaimer, Applicants believe the present application is now in condition for allowance. Early notification of the same is kindly requested.

Applicant believes no fee is due with this response. However, if a fee is due, please charge our Deposit Account No. 03-2775, under Order No. 12810-00215-US1 from which the undersigned is authorized to draw.

Dated: March 12, 2009

Respectfully submitted,

Electronic signature:

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